

John Lines

March 04, 2021

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

COLE & ASHCROFT, LP, )  
DBA SHUTTERS PLUS, )  
 )  
 Plaintiff, )  
 )  
 )  
 VS. ) CIVIL ACTION NO. 4:20-CV-03507  
 )  
 STATE AUTOMOBILE MUTUAL )  
 INSURANCE COMPANY, )  
 )  
 Defendant. )

ORAL & VIDEO DEPOSITION OF: JOHN LINES

March 4, 2021

Oral & video deposition of JOHN LINES, produced as a witness at the instance of the defendant, and duly sworn, was taken in the above-styled and numbered cause on the 4th day of March, 2021, from 9:33 a.m. to 1:03 p.m., before Patrick Stephens, Certified Court Reporter, reported by stenographic means, conducted remotely in accordance with the First Emergency Order regarding the COVID-19 State of Disaster, paragraphs 2.b and c., pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached thereto.

**DEFENDANT'S  
EXHIBIT K**

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

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McClenny Moseley & Associates, PLLC  
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Houston, Texas 77007  
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ON BEHALF OF THE DEFENDANT:

PATRICK M. KEMP, ESQ.  
Segal McCambridge Singer & Mahoney  
100 Congress Avenue  
Suite 800  
Austin, Texas 78701  
Telephone: (512) 476-7834  
pkemp@smsm.com

ALSO PRESENT:

ARIANA JOHNSON, Zoom Technician  
Kim Tindall & Associates  
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ajohnson@ktanda.com

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1 A I don't -- I don't have -- I just didn't.

2 Q Okay. So Paul Wagner spoke to somebody who said that  
3 they're doing another roof nearby, and you don't know who that  
4 person is. Does Paul Wagner know who that person is?

5 A I don't know if he knows.

6 Q And -- and you didn't ask?

7 A I didn't talk to Paul about this --

8 Q Okay.

9 A -- before this deposition.

10 Q Do you know if that other person would have been  
11 affiliated with Stellar Restoration or not?

12 A I don't know.

13 Q Okay. All right. My previous question was: Did --  
14 did anyone at Cole & Ashcroft speak to any contractors about  
15 storm -- or about damage repairs, and you identified this one  
16 person or persons with an unknown company who apparently came  
17 and spoke with Paul Wagner. Are there any other times that a  
18 contractor or a repair person communicated with Cole & Ashcroft  
19 about doing repairs?

20 A No.

21 Q Okay. So has a -- has a contractor ever been in  
22 communication with Cole & Ashcroft about actually doing a roof  
23 repair job or a replacement job or anything like that?

24 A I don't know. I don't think so.

25 Q Well, did you -- did you check with your partners to

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1 see if anybody's ever gotten an actual bid or signed a contract  
2 or -- or had communications with any contractors about actually  
3 doing work for a roof repair or replacement?

4 A I did not.

5 Q Okay. So it's -- it's entirely possible that your  
6 partners may have been doing that and you just didn't know  
7 because you didn't ask them before your depo; is that right?

8 A That's correct.

9 Q Does Cole & Ashcroft currently have any plans to do  
10 any repairs to the property?

11 A We do not currently.

12 Q Okay. And maybe currently isn't as clear of a term as  
13 I should use. Are there any future claims of any kind to do  
14 repairs to the property?

15 A Yes.

16 Q What plans are there?

17 A To fix the roof.

18 Q How are you going to fix the roof?

19 A Well, once -- we'll get a contractor and have someone  
20 repair the roof or replace it.

21 Q Which is it?

22 A Well, we haven't spoken with anybody to my knowledge,  
23 so I don't know which one it'll be.

24 Q Why -- why -- if this is something that you plan to  
25 do, why haven't you spoken with anyone about doing it?

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1 A We're waiting to settle this lawsuit, sir.

2 Q Okay. So you're expecting -- you're expecting to  
3 settle this lawsuit --

4 A Well --

5 Q -- and --

6 A -- get -- get a claim settlement, yes.

7 Q You understand that the claim was denied; right?

8 A Yes.

9 Q Okay. So if the claim -- if the claim is denied, does  
10 that change the plans?

11 MR. FADNER: Objection.

12 BY MR. KEMP (resuming):

13 Q You can answer.

14 A I -- I don't know.

15 Q Okay. So what specific plans are there to do repairs,  
16 or are there any specific plans?

17 A There are not specific plans.

18 Q Okay. How long has the roof been leaking?

19 A I don't know the specific date.

20 Q Okay. Can you approximate the date or the month or  
21 the year of when the roof began leaking?

22 A I can't.

23 Q All right. It began leaking prior to Hurricane  
24 Harvey; right?

25 A There were some minor leaks prior to Harvey, I

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1 believe, yes.

2 Q Where were the leaks prior to Harvey?

3 A Mainly, I -- what I recall is around the ridge vents  
4 and the end cap of the building -- end caps.

5 Q So you were seeing the interior damage in the office  
6 and in the warehouse?

7 A We were seeing wet spots on the floor and insulation  
8 discoloration.

9 Q Okay. Wet spots on what floor?

10 A On our warehouse floor.

11 Q Okay. And you were seeing it on the insulation. Was  
12 the insulation starting to drip down?

13 A I don't -- there was just discoloration to the  
14 insulation.

15 Q Okay. What about in the office? Weren't there leaks  
16 in the office before Hurricane Harvey?

17 A I don't recall.

18 Q All right, sir. You don't know who Stellar  
19 Restoration is?

20 (Audio interference.)

21 MR. KEMP: Mr. Fadner, could you mute?

22 MR. FADNER: (Complies with request.)

23 MR. KEMP: Thank you.

24 MR. FADNER: Background -- background noise,  
25 Patrick?

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Plaintiff, )  
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STATE AUTOMOBILE MUTUAL )  
INSURANCE COMPANY, )  
Defendant. )

REPORTER'S CERTIFICATE  
ORAL & VIDEO DEPOSITION OF JOHN LINES  
MARCH 4, 2021

I, Patrick A. Stephens, Certified National Court Reporter,  
hereby certify to the following:

That the witness, JOHN LINES, was duly sworn and that the  
transcript of the deposition is a true record of the testimony  
given by the witness;

That the deposition transcript was duly submitted on March  
18, 2021, to the witness or to the attorney for the witness for  
examination, signature, and returned to me by \_\_\_\_\_

That pursuant to information given to the deposition  
officer at the time said testimony was taken, the following  
includes all parties of record and the amount of time used by  
each party at the time of the deposition:

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Mr. Derek L. Fadner (0m)

Attorney for Plaintiff

Mr. Patrick M. Kemp (3 hrs 26m)

Attorney for Defendant

I further certify that I am neither counsel for, related to, nor employed by any of the parties in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of this action.

Certified to by me on this 18th day of March, 2021.

\*  
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\*  
\*  
\*  
\*



PATRICK A. STEPHENS, CCR, CVR  
GA CERT. NO. 4672-1141-4562-4064  
NVRA NO. 5462